

Applicant: Michael A. Brownlee
Appl. No.: 10/582,116
Filed: June 26, 2007

REMARKS

Claims 1, 3, 4, 7, 18, 19, 23, 24, 29-31, 51-54, 62 and 67-70 were pending in the subject application. By this amendment, applicants have cancelled Claims 1, 3, 4, 7, 18, 19, 23, 24, 29-31, 51-54, 62 and 67-70 without prejudice or disclaimer to applicant's right to pursue prosecution of these claims later during prosecution of the subject application or in a later-filed continuation or divisional application, and added new Claims 72-78. New Claims 72-77 are supported by the application and claims as filed. Accordingly, entry of the foregoing claim amendments is respectfully requested.

Interview Summary

Applicant's undersigned attorney thanks the Examiner for the telephone conversation of May 27, 2010, where the patent number for one of the references cited in the Office Action was discussed.

35 U.S.C. § 102 Rejection

1. Claims 51-54 and 62 were rejected under 35 U.S.C. 102(b) as anticipated by Coolidge et al. (U.S. Patent No. 6,429,197) ("Coolidge"). This rejection is respectfully traversed. Coolidge describes the use of GLP-1 (7-36) as an alternative to insulin for the treatment of stroke based on the glucose-dependent insulintropic action of GLP-1. (Col. 9, lines 26-30). Coolidge states that truncated forms of GLP-1 such as GLP (9-36) have been speculated to affect hepatic glucose production but do not stimulate the production of insulin from the pancreas. (Col. 5, line 51 to Col. 6, line 2). Coolidge does not describe inhibiting the development of disease in a mammal having diabetes by treating the mammal with a pharmaceutically acceptable composition comprising GLP-1 (9-36) sufficient to inhibit the development of disease in the mammal. Accordingly, Coolidge does not anticipate the claimed invention, and reconsideration and withdrawal of this rejection is respectfully requested.

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2. Claims 1, 3, 4, 7, 18, 19, 23, 29,30, 51-53 and 62 were rejected under 35 U.S.C. 102(b) as anticipated by Johnson et al. (U.S. Patent No. 5,574,008) (“Johnson”). This rejection is respectfully traversed. Johnson does not teach inhibiting the development of vascular disease in a mammal having diabetes by treating the mammal with a pharmaceutically acceptable composition comprising GLP-1 (9-36) sufficient to inhibit the development of vascular disease in the mammal. Accordingly, Johnson does not anticipate the claimed invention, and reconsideration and withdrawal of this rejection is respectfully requested.

35 U.S.C. § 103 Rejections

1. Claims 1 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (U.S. Patent No. 5,574,008) (“Johnson”) in view of Knudsen et al. (U.S. Patent No. 6,268,343) (“Knudsen”). This rejection is respectfully traversed. As discussed above, Johnson does not teach or suggest inhibiting the development of vascular disease in a mammal having diabetes by treating the mammal with a pharmaceutically acceptable composition comprising GLP-1 (9-36) sufficient to inhibit the development of vascular disease in the mammal. Knudsen also does not teach inhibiting the development of vascular disease in a mammal having diabetes by treating the mammal with a pharmaceutically acceptable composition comprising GLP-1 (9-36) sufficient to inhibit the development of vascular disease in the mammal. For these reasons, the claimed invention is patentable over Johnson and Knudsen. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

2. Claims 1, 3, 4, 7, 18, 19, 23, 29, 30, 51-53 and 62 were rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Vincent et al. (Ann. N.Y. Acad. Sci. 2002) (“Vincent”). This rejection is respectfully traversed. As discussed above, Johnson does not teach or suggest inhibiting the development of vascular disease in a

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mammal having diabetes by treating the mammal with a pharmaceutically acceptable composition comprising GLP-1 (9-36) sufficient to inhibit the development of vascular disease in the mammal. Vincent also does not teach inhibiting the development of vascular disease in a mammal having diabetes by treating the mammal with a pharmaceutically acceptable composition comprising GLP-1 (9-36) sufficient to inhibit the development of vascular disease in the mammal. For these reasons, the claimed invention is patentable over Johnson and Vincent. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Supplemental Information Disclosure Statement

In accordance with the duty of disclosure under 37 C.F.R. §1.56, applicants would like to direct the Examiner's attention to the items that are listed on the attached Form PTO/SB/08B (1 page). Copies of the non-patent literature documents are attached hereto.

CONCLUSION

In view of the amendments and remarks made hereinabove, reconsideration and withdrawal of the rejections in the June 15, 2010 Office Action and passage of the pending claims to allowance are respectfully requested. If there is any minor matter preventing the allowance of the subject application, the Examiner is requested to telephone the undersigned attorney.

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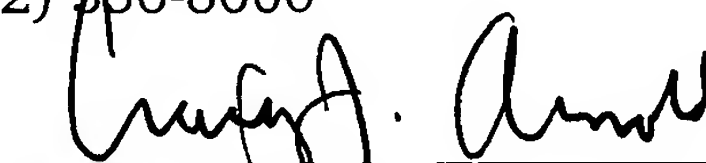
A check in the amount of \$735 is enclosed to cover the \$555 three month extension of time fee and the \$180 fee for consideration of the Information Disclosure Statement. If any other fee is required to preserve the pendency of the subject application, authorization is hereby given to withdraw the amount of any such fee from Deposit Account No. 01-1785. Any overpayments may also be credited to Deposit Account No. 01-1785.

Respectfully submitted,

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Dated: November 18, 2010
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By



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